

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Gerald Sugerman	CONF. NO.	4332
SERIAL NO.:	09/581,781	ART UNIT:	1796
FILING DATE:	June 17, 2000	EXAMINER:	Egwim, Kelechi C.
TITLE:	LOW ENVIRONMENTAL TOXICITY LATEX COATING		
ATTORNEY			
DOCKET NO.:	VOC-429		

MAIL STOP
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

I. INTRODUCTION

This amendment is being filed in response to the office action dated June 2, 2008. It is being filed within the period of time for response.

II. Election/Restriction

The examiner has required restriction under 35 U.S.C. 121 and 372 based on his finding that the inventions described in the claims are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The examiner has separated the claims into two groups:

Group I, claims 1, 4-8, 10 and 20-24 drawn to a composition of matter.

Group II, claim 3, drawn to a different composition of matter comprising organic solvent coalescent and devoid of the hydroxy bearing components of group I.

The examiner bases his finding of a lack of unity of invention because the special technical feature which links the claims, the non-volatile double bonded amines, are at least anticipated by or obvious over Blount et al. or Riediker et al., and thus does not provide a contribution to the prior art. Applicant disagrees with the examiner's statement, as set forth in applicant's prior responses to office actions in this application and believes that the claimed invention is neither obvious over nor anticipated by the references cited by the examiner.

Notwithstanding the above, for the sake of providing a complete response, applicant elects Group I for further prosecution.

The examiner states that Group I contains claims directed to the following patentably distinct species:

(a) wherein the composition comprises a hydroxyl-bearing unsaturated ester or ether or ether-ester, or an unsaturated

hydroxyl-bearing oligomeric glycol or oligool. (claims 8, 20, 22 and 24)

(b) wherein the composition comprises the combination of a hydroxyl-bearing unsaturated ester or ether or ether- ester; and a saturated or saturated hydroxyl-bearing oligomeric glycol or oligool. (claim 10 and 23)

(c) wherein the composition comprises the combination of a hydroxyl-bearing unsaturated ester or ether or ether- ester; and a non-hydroxyl-containing unsaturated ester or ether or ether-ester. (claim 21)

In addition, the examiner divides species (a) into two sub species:

i. wherein the hydroxy baring compound is a hydroxyl-bearing unsaturated ether-ester. (claim 20)

ii. wherein the hydroxy baring compound is a hydroxyl bearing etherified or esterified oligomeric glycol or oligool. (claim 24)

The examiner states that if Group I is elected, applicant is required under 35 U.S.C. 121 to elect a single disclosed species, or subspecies if applicable, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Having elected Group I, applicant further elects to prosecute species identified as (b), claims 10 and 23.

Applicant recognizes that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.